IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6674 OF 2005
IN
CRIMINAL APPLICATION NO. 2977 OF 2005

Shiva Sargappa Kandarkar. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Imtiyaz Patel for the Applicant.

Shri K.V.Saste, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 18th October, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. for the State.

2. The Application is for modification of condition No.(i) in order dated 14th July 2005 by which the bail was granted in favour of the Applicant by this Court. The learned Advocate for the Applicant submitted that the Applicant could not arrange for surety of high amount of Rs.50,000/- and therefore, he could not avail of the order granting bail for the last three months.

The prayer in the Application is :

> "(a). That this Hon'ble Court be pleased to reduce the bail amount to Rs.25,000/- with two sureties in like amount and in alternate the cash bail in the same amount of

Rs.25,000/-."

3. The learned A.P.P. has opposed the application. It is apparent that the Applicant has not availed of the order granting bail for last 3 months. Considering the fact that the Sessions Court fixed the bail amount at Rs.30,000/- in case of a co-accused to whom more or less similar role has been ascribed, the bail amount deserves to be reduced to Rs.30,000/-. However, considering the reasons recorded for grant of bail, requirement of furnishing of two local sureties cannot be dispensed with.

4. Hence the following order is passed:

(a) Clause (i) of order dated 14th July 2005 passed in Criminal Application No.2977 of 2005 is modified and will read as follows:

. "Criminal Application No.2977 of 2005 is allowed. Applicant Shiva Shetty @ Shiva Sangappa Khandalkar shall be enlarged on bail in connection with C.R.No.270 of 2004 of N.M.Joshi Marg Police Station, subject furnishing a personal bond of Rs.30,000/- with two local sureties in the like amount."

(b) Rest of the conditions imposed in the order dated 14th July 2005 stand.

(c) Application stands disposed of.

(d) Parties to act on an authenticated copy of this order.

Judge.